

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 10, 2007
Comment Deadline: October 10, 2007
Corps Action ID #:SAW-2007-02899

The Wilmington District, Corps of Engineers (Corps) has received an application from **Olde Towne Subdivision, LLC** seeking Department of the Army authorization to impact **0.886 acres of freshwater riparian wetlands** associated with **development of a 21 lot single-family residential subdivision in Craven County**, North Carolina. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Olde Towne Subdivision, LLC
Attention: Mr. Lonnie Pridgen, Junior, Manager
Post Office Box 907
New Bern, North Carolina 28560

AGENT (if applicable): Mr. Edward Latham
3412 Windsor Drive
New Bern, North Carolina 28562

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The project property is an 8.38 acre tract located on the northeast side of Batts Hill Road adjacent to Olde Towne Channel and the Trent River north of Trent Woods, in Craven County, North Carolina (35.0806 N 77.0593 W).

Existing Site Conditions

The property is an 8.376 acre tract located in an established residential subdivision. The tract was timbered within the last twelve months and most of the marketable timber was removed. A vertical bulkhead has been installed along the property line on Olde Towne

Channel. The project property is bordered on the east by existing residential condominiums and on the west by single family residential properties.

Applicant's Stated Purpose

The applicant's stated purpose of the proposed work is to create a residential subdivision.

Project Description

The applicant proposes to place fill material in 0.886 acres of jurisdictional wetlands adjacent to Olde Towne Channel and the Trent River to construct twenty-one condominiums. The fill will be used to raise elevations on the site for the construction of the residential units and associated parking lots and access roads.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by October 10, 2007.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated

fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

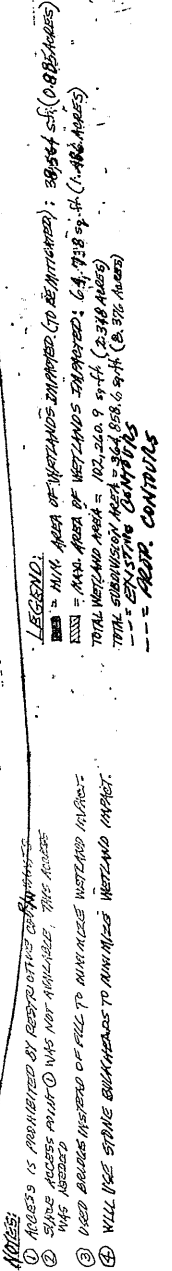
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of

the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 10, 2007. Comments should be submitted to Tracey Wheeler Post Office Box 1000, Washington, North Carolina, 27889 or (252) 975-1616 ex 24.

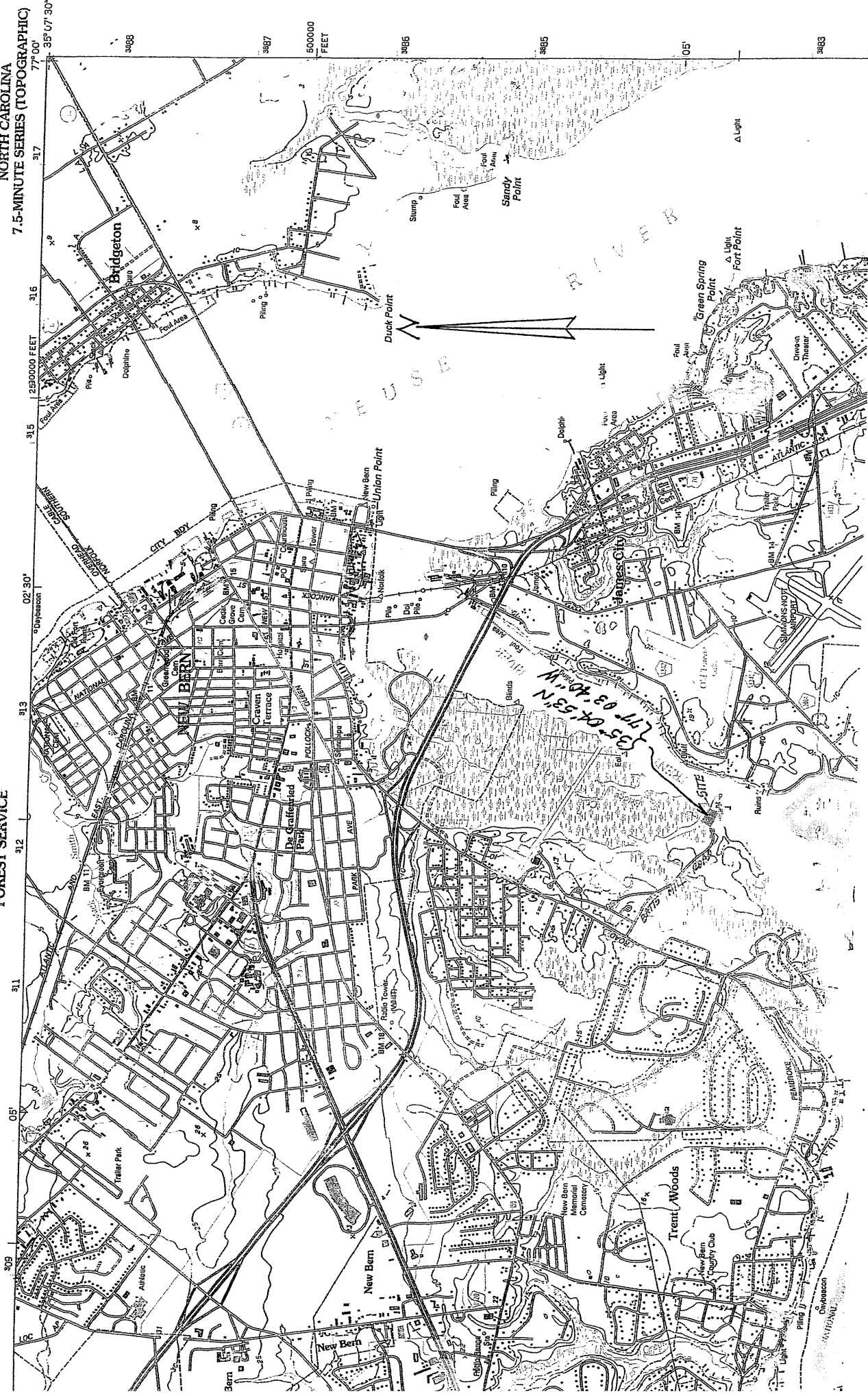
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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UNITED STATES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

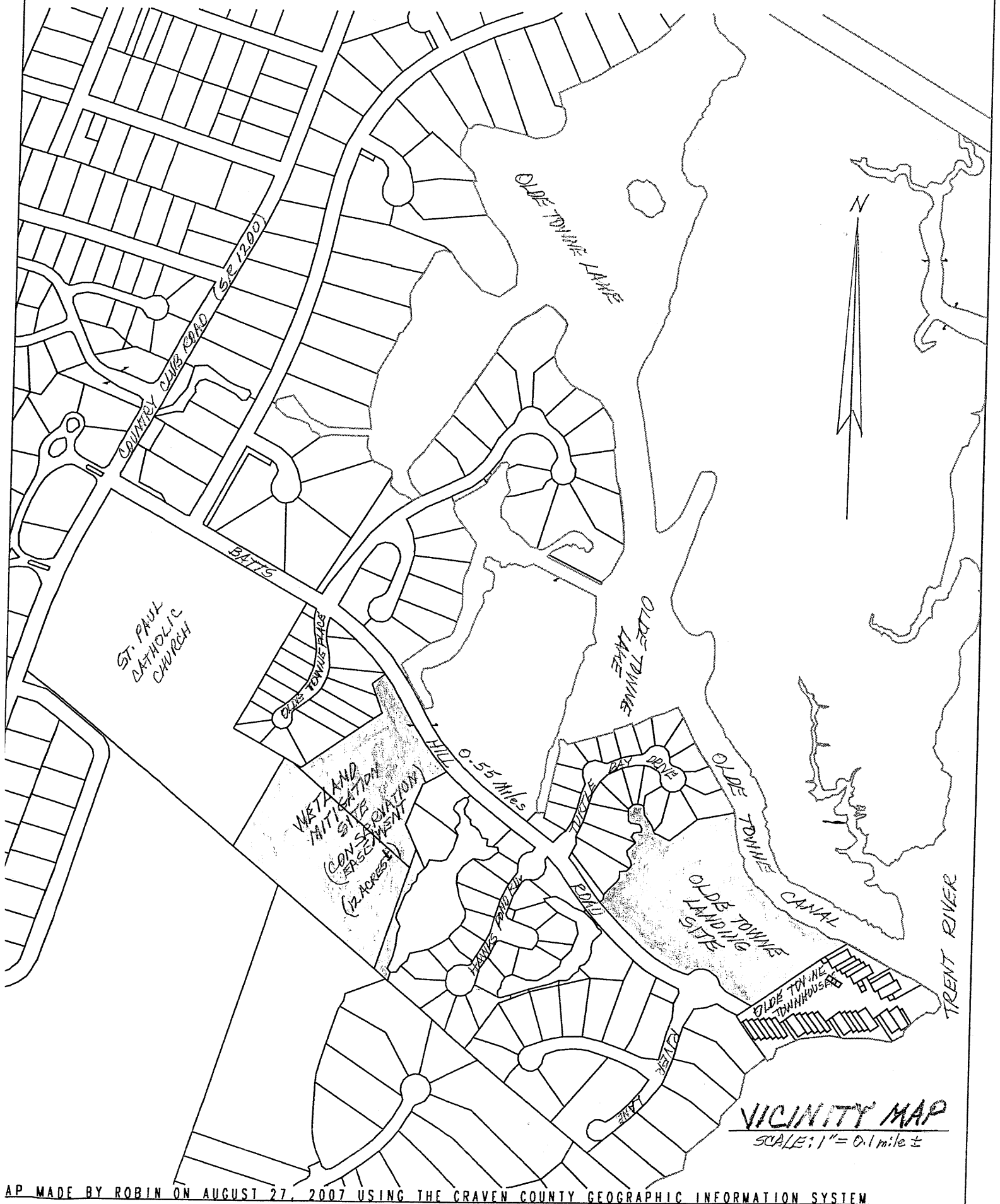
NEW BERN QUADRANGLE
NORTH CAROLINA
7.5-MINUTE SERIES (TOPOGRAPHIC)



TAX PARCEL No. 8-203-058

OLDE TOWNE LANDING
NEW BERN, N.C.
NO. 8 TOWNSHIP CRAVEN COUNTY
SCALE: 1" = 0.5 MILE

0 476
Feet
CRAVEN COUNTY DOES NOT WARRANT THE INFORMATION SHOWN ON THIS MAP AND
SHOULD BE USED ONLY FOR TAX ASSESSMENT PURPOSES. INQUIRY YEAR 2007





JACK DAFT, RLA
LANDSCAPE ARCHITECT
609 CRAVEN STREET
NEW BERN, N.C. 28560
P - 252.633.5003
F - 252.633.6793
MOBILE - 252.514.3798



OLD TOWNE LANDING

CITY OF NEW BERN

SITE DEVELOPMENT PLAN

CANAL

BOARDWALK

7W.3.3

BUFFER 20'

DECK

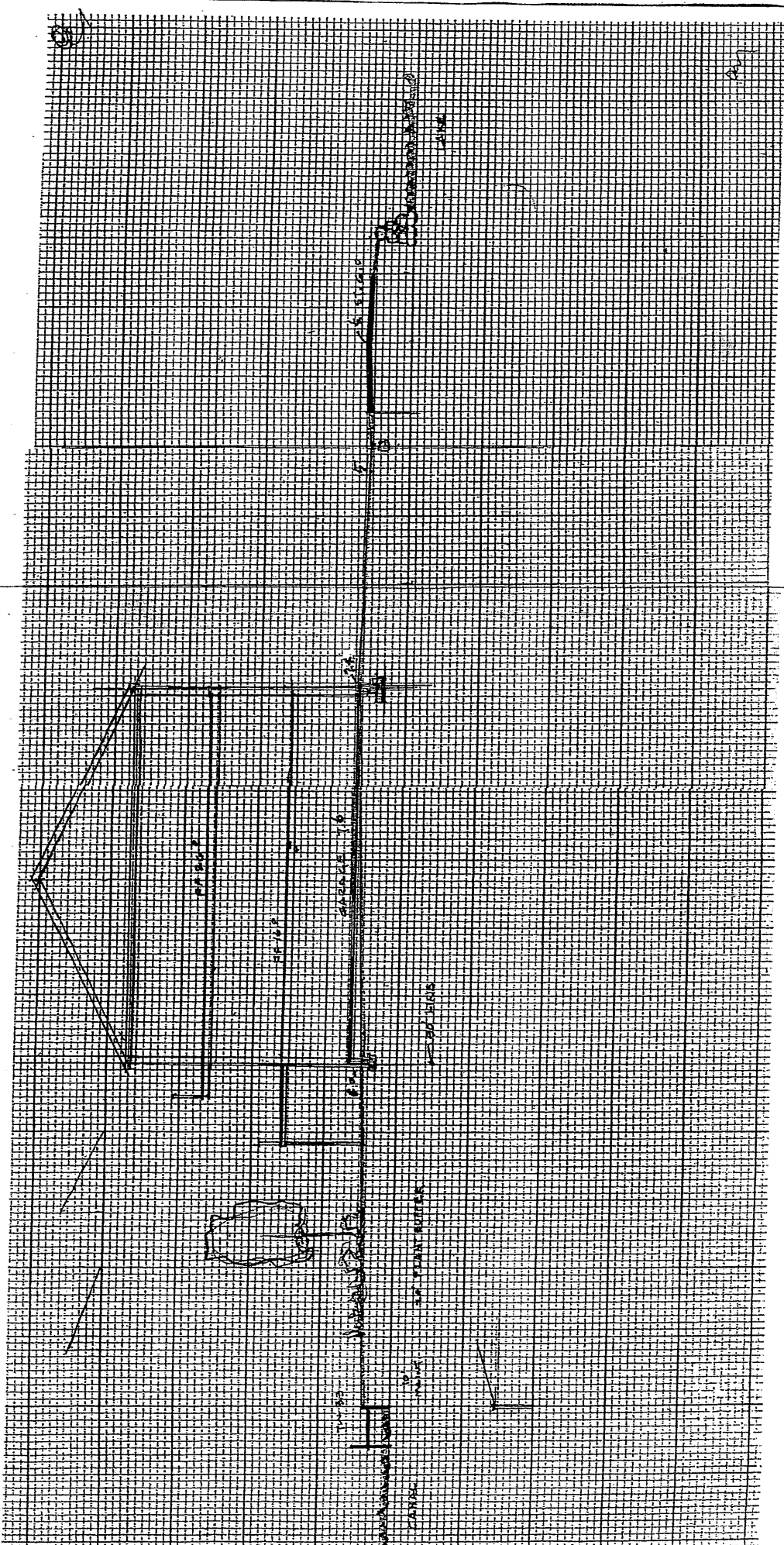
1ST. R.
16.0

FF
GAR.
7.8

ROAD

LAKE

TYPICAL DWELLING
APPROX. SCALE: 1" = 20'



TYPICAL CROSS SECTION
APPROX. SCALE 1"=20'